



*John T. Auberger*  
*Supervisor*

# **TOWN OF GREECE**

1 VINCE TOFANY BOULEVARD ■ GREECE, NEW YORK 14612-5016

## **BOARD OF ZONING APPEALS MINUTES**

**FEBRUARY 2, 2010**

### **General Information:**

**Work Session: 6:30 p.m.**

**Meeting: 7:00 p.m.**

### **Roll Call:**

**Albert F. Meilutis, Chairman**

**Diana Christodaro**

**Randy T. Jensen**

**William F. Murphy**

**John J. Riley**

**Christopher A. Schiano, Deputy Town Attorney**

**Ivana Frankenberger, Planning Assistant**

**Mary Jo Santoli, Secretary to the Zoning Board**

### **Absent:**

**Pledge of Allegiance**

**Additions/Deletions to the Agenda**

**Announcements:**

**OLD BUSINESS:**

- 1. Applicant:** Simonetti Property Management, LLC  
**Location:** 2037, 2047 & 2081 West Ridge Road  
**Mon. Co. Tax No.:** 074.19-5-6.11, 074.19-5-5.1 & 074.19-5-2.111  
**Zoning District:** BP-2 (Professional Office) & BR (Restricted Business)  
**Request:** a) An area variance for a business center to have a second freestanding sign of 68.8 sq. ft., instead of the one 80.0 sq. ft. maximum permitted. Sec. 211-52 B (1) (a) [2] & Sec. 211-52 B (1) (d), Table VI  
b) An area variance for a business center to have a third freestanding sign of 49.6 sq. ft., instead of the one 80.0 sq. ft. maximum permitted. Sec. 211-52 B (1) (a) [2] & Sec. 211-52 B (1) (d), Table VI

**On a motion by Ms. Christodaro and seconded by Mr. Riley, it was resolved to continue the public hearing on this application until the meeting of February 16, 2010, at the applicant's request.**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried  
Application Continued  
Until Meeting of  
February 16, 2010**

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**NEW BUSINESS:**

- 1. Applicant:** Joseph A. Cortese  
**Location:** 160 Standish Road  
**Mon. Co. Tax No.:** 074.15-6-23  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:**
- a) An area variance for an existing shed (7.0 ft. x 9.2 ft.; 64.1 sq. ft.) to have a (south) side setback of 0.0 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I
  - b) An area variance for an existing shed (10.1 ft. x 13.9 ft.; 137.5 sq. ft.) to have a (south) side setback of 1.7 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I
  - c) An area variance for an existing shed (10.1 ft. x 13.9 ft.; 137.5 sq. ft.) to have an (east) side setback of 3.5 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I
  - d) An area variance for all existing accessory structures totaling 930 sq. ft., where 800 sq. ft. is the maximum gross floor area permitted for lots less than 16,000 sq. ft. in area. Sec. 211-11 E (1), Table I

**Ms. Christodaro offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 160 Standish Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**

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**Ms. Christodaro then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Joseph A. Cortese, 160 Standish Road, Mr. Cortese appeared before the Board this evening requesting an area variance for an existing shed (7.0 ft. x 9.2 ft.; 64.1 sq. ft.) to have a (south) side setback of 0.0 ft., instead of the 4.0 ft. minimum required; an area variance for an existing shed (10.1 ft. x 13.9 ft.; 137.5 sq. ft.), to have a (south) side setback of 1.7 ft., instead of the 4.0 ft. minimum required; an area variance for an existing shed (10.1 ft. x 13.9 ft.; 137.5 sq. ft.) to have an (east) side setback of 3.5 ft., instead of the 4.0 ft. minimum required; and an area variance for all existing accessory structures totaling 930 sq. ft., where 800 sq. ft. is the maximum gross floor area permitted for lots less than 16,000 sq. ft. in area.

WHEREAS, the applicant testified that he has lived at this residence since 1988 and the previous owner in 1986 applied for some variances for accessory structures on his property and was denied the variances, but put up some sheds anyway. Originally, there were three sheds on the property and the applicant testified that he had replaced them and updated their condition as well as moving one of them. This is coming into play this evening because code compliance was out in the area and researched to find the sheds were without permits. The sheds are used for storage of lawn equipment and some auto supplies, which the applicant uses as a hobby. The condition of the sheds is very good. One shed is currently on a concrete slab and the other is part of the fence line with a wooden framed slab underneath.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I move to approve this application with two conditions:

1. This approval is for the life of the structures; and
2. That the applicant adheres to any Building Department requirements.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**APPROVAL OF MINUTES**

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

**Motion by Mr. Jensen, seconded by Mr. Riley, to approve the minutes of the January 5, 2010, Board of Zoning Appeals meeting:**

<b>Vote:</b>	<b>Mr. Christodaro</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried  
January 5, 2010,  
Minutes Approved**

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**ADJOURNMENT**

The meeting was adjourned at 7:20 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Dated:** \_\_\_\_\_  
Albert F. Meilutis, Chairman